

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 5-8, 10-13 and 15-29 are pending in the application, Claims 1-3, 5-8, and 10-13 are amended, Claims 15-29 are added, and Claims 4, 9 and 14 are canceled without prejudice or disclaimer by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.<sup>1</sup> Thus, no new matter is presented.

In the outstanding Official Action, Claims 11, 12 and 13 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and Claims 1-14 were rejected under 35 U.S.C. § 102(b) as anticipated by Wang et al. ("Policy-Enabled Handoffs Across Heterogeneous Wireless Networks", published at WMCSA 1999, hereinafter "Wang").

In response to the rejection of Claims 11-13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, the preamble of Claim 11 has been amended to recite "a computer storage medium with a computer program code mechanism stored therein, which when executed by computer...". Therefore, Claims 11-13 are amended to be more clearly directed to statutory subject matter, as they now clearly recite a tangible device.

Accordingly, Applicants respectfully request the rejection of Claims 11-13 under 35 U.S.C. § 101 be withdrawn.

Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Wang. Applicants respectfully submit that Claim 1, as amended, states novel features clearly not taught or rendered obvious by the applied reference.

Specifically, amended Claim 1 is directed to a link manager including a detecting means for detecting an installed link. A managing means is also provided which defines a

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<sup>1</sup> Specification at page 16, line 19 - page 17, line 12, page 11, lines 13-24, page 14, lines 6-12 and original Claim 4.

plurality of link metrics indicating characteristics of each link detected and manages data corresponding to the respective link metrics on a table. A link metric rank assigning means assigns ranks to the respective link metrics, based on a predetermined preference, and a data rank assigning means assigns ranks to the data corresponding to said respective link metrics. A selecting means is also provided which selects a link having link metrics complying with a given condition by analyzing each link based on each individual stored metric in order of rank, and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank.

In a non-limiting, exemplary embodiment, a link manager sorts the records in the link management table shown in Fig. 6, using the link metric with the highest priority as depicted in Fig. 4, as a key. The link metric with the highest priority, is set as  $n=1$  (step ST1) and all the records are selected (step ST2). The record selected at step ST2 is sorted based on these priorities assigned to the data (step ST3), and each individual link is examined with respect to this data assigned to the highest priority link metric. If one link is determined to have superior performance over the other links with respect to the link parameter having the highest priority, this link is selected as the active link. Otherwise, analysis continues using the next highest priority metric applied to each individual link until differentiation occurs and any one link is determined to be superior to another in terms of a selected metric in the order or priority.<sup>2</sup>

Specifically, amended Claim 1 recites, *inter alia*, a link manager, comprising:

“...selecting means for selecting a link by ***analyzing each link based on each individual stored metric in order of rank***, and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank.”

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<sup>2</sup> Specification at page 16, line 19 – page 18, line 10 and Fig. 7.

Turning to the applied reference, Wang describes a system to enable handoffs between a plurality of links provided to a mobile station. Wang describes that users may specify the importance or weights of each normalized parameter corresponding to characteristics of a specific link.<sup>3</sup> These weights are then used simultaneously to determine a “cost function” or similar cumulative parameter corresponding to a specified network in order to determine the best available link.<sup>4</sup> Therefore, Wang describes that all of the parameters are normalized and weighted and then a calculation is performed in order to determine a network which is best suited for a specific mobile handoff based on the weighted preferences input by a user.<sup>5</sup>

However, Wang fails to teach or suggest selecting a link by *analyzing each link based on each individual stored metric in order of rank* and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank, as recited in amended Claim 1.

Instead, Wang, as discussed above, uses a cumulative parameter and analyzes each link in light of the entirety of normalized link metrics in corresponding weights as determined by a user. Wang does not describe that each link is analyzed based on each stored metric in order of priority, but instead describes that a plurality of link metrics are analyzed based on a cumulative calculation involving all the normalized and weighted link parameters.<sup>6</sup>

Therefore, Wang fails to teach or suggest *analyzing each link based on each individual stored metric in order of rank* and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank, as recited in amended Claim 1.

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<sup>3</sup> Wang at page 55, col. 2, lines 29-35.

<sup>4</sup> Id. at page 56, col. 1, lines 1-37.

<sup>5</sup> Id.

<sup>6</sup> Id.

Accordingly, Applicants respectfully request the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn. For substantially the same reasons given with respect to amended Claim 1, Applicants respectfully submit that amended Claims 6 and 11 also patentably define over Wang.

New Claims 15-29 are added by the present amendment and recite additional features which patentably define the present application over the applied reference.

Specifically, new Claim 15 recites, *inter alia*, a link manager, comprising:

“...managing means for defining a plurality of constant link metrics and *variable link metrics... said managing means monitoring the variable link metrics which vary over time...*”

Wang describes that link metric information, such as the parameters depicted in Table 2, is stored in a network database and fails to teach or suggest the monitoring of variable link metrics for each detected link.<sup>7</sup> In Wang, parameters subject to change are only maintained for the network to which the device is currently connected, and not to each respective link that is detected.<sup>8</sup> Thus, Wang fails to teach or suggest a managing means for defining a plurality of constant link metrics and *variable link metrics which vary over time... said managing means monitoring the variable metrics*, as recited in new Claim 15.

Accordingly, Applicants respectfully submit that new Claim 15 patentably defines over the applied references for at least the reasons discussed above. For substantially the same reasons given with respect to new independent Claim 15, Applicants respectfully submit that new Claims 20, 25 and 29 also patentably define over Wang.

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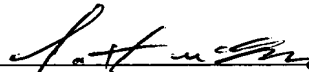
<sup>7</sup> Id. at page 54, second col.

<sup>8</sup> Id. at page 58, second col.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 6-8, 11-13, and 15-28 is patentably distinguishing over the applied references. The present application is believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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